

STATE BUILDING CODE TECHNICAL REVIEW BOARD

MEETING
October 15, 2010

GLEN ALLEN, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman
Mr. R. Schaefer Oglesby, Vice-Chairman
Mr. W. Keith Brower, Jr.
Mr. J. Daniel Crigler
Mr. James R. Dawson
Mr. John H. Epperson
Mr. Joseph A. Kessler, III
Mr. Eric Mays
Ms. Joanne D. Monday

Members Absent

Mr. Matthew Arnold
Mr. John A. Knepper, Jr.
Mr. James N. Lowe
Ms. Patricia S. O'Bannon

Call to Order	The meeting of the State Building Code Technical Review Board ("Review Board") was called to order by the Chairman at approximately 10:00 a.m.
Roll Call	The attendance was established by Mr. Vernon W. Hodge, Secretary, and constituted a quorum. Mr. Steven Jack, Assistant Attorney General of the State Office of the Attorney General, and the Board's legal counsel, was also present.
Approval of Minutes	Mr. Oglesby moved to approve the minutes of the August 20, 2010 meeting as presented in the Review Board members' agenda package. The motion was seconded by Mr. Epperson and passed unanimously.
Final Orders	<p><u>Appeal of Dark Star Investment Company; Appeal No. 07-7:</u></p> <p>After consideration, Mr. Oglesby moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Crigler and passed unanimously.</p> <p><u>Appeal of Richard Chiu; Appeal No. 08-4:</u></p> <p>After consideration, Mr. Oglesby moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Mr. Epperson and passed unanimously.</p>

Final Orders

Appeal of Richard Chiu; Appeal No. 09-4:

After consideration, Mr. Oglesby moved to approve the final order as presented in the Review Board members' agenda package with an editorial correction in the first sentence of the "Findings of the Review Board" section by changing the word "is" to "as" after the word "invalid." The motion was seconded by Ms. Monday and passed unanimously.

Appeal of John Catlett, Alexandria Building Official; Appeal No. 10-6:

After consideration, Mr. Oglesby moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Ms. Monday and passed unanimously.

Appeal of James O. McGhee, Architects, P.C.; Appeal No. 10-7:

After consideration, Mr. Oglesby moved to approve the final order as presented in the Review Board members' agenda package. The motion was seconded by Ms. Monday and passed unanimously.

New Business

Appeal of Design Builders and Associates, Inc.; Appeal No. 09-18:

Mr. Hodge informed the Chairman and Board members that the appeal had been withdrawn subsequent to the distribution of the agenda packages.

Appeal of Leonard Harris; Appeal No. 09-16:

Mr. Kessler arrived at approximately 10:10 a.m.

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned whether a building permit under the Virginia Uniform Statewide Building Code (USBC) issued to Leonard Harris for the reconstruction of a shopping center located at 10760 Jefferson Avenue in the City of Newport News should be reinstated. The permit was revoked by the City USBC official due to the abandonment of work on the project.

New Business

Appeal of Leonard Harris; Appeal No. 09-16 (continued):

The following persons were sworn in and given the opportunity to present testimony:

Leonard Harris

Michael Redifer, building official, City of Newport News

No exhibits were submitted by the parties to supplement the documents in the Review Board members' agenda package.

After testimony concluded, the Chairman closed the hearing and stated a decision from the Review Board would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Appeal of Leonard Harris; Appeal No. 09-16:

After deliberation, Mr. Dawson moved to uphold the decision of the City of Newport News building official and the City of Newport News USBC appeals board that Mr. Harris' building permit not be reinstated. The motion was seconded by Mr. Mays and passed unanimously.

Interpretations

An interpretation request from the City of Richmond was considered concerning the application of Section 113.6 of the USBC and electronic inspection reports. After discussion, Ms. Monday moved to issue the following interpretation:

QUESTION: Does Section 113.6 require a written inspection report on the jobsite if one is sent electronically to the permit holder?

ANSWER: No, Section 113.6 does not require a notice to be left on the jobsite. The use of an electronic method is written notice provided the notice is reasonably calculated to get to the permit holder, which should be based on legal advice.

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Interpretations
(continued)

The motion was seconded by Mr. Oglesby and passed unanimously. The interpretation will be designated as Interpretation No. 6/2006.

An additional request from the City of Richmond was considered concerning that placement of multiple service panels from one service drop. After discussion, Review Board members directed staff to work with the proponent to contact the engineering staff for the National Electrical Code at the National Fire Protection Association (NFPA) for guidance. The interpretation request will be reconsidered once the guidance from NFPA is obtained.

Secretary's Report

Board members considered a draft letter to parties in appeals and a schedule for timeframes for processing appeal cases prepared by staff. After discussion and recommendations for improvement of the documents, it was noted that the documents would be revised and further considered at a subsequent meeting.

Mr. Hodge informed Board members that meetings in November and December of 2010 had been authorized in efforts to finalize pending appeal cases.

Mr. Emory Rodgers, Deputy Director and head of the Division of Building and Fire Regulations with the Department, advised Board members on the adoption of the 2009 building and fire regulations and other matters of interest.

Adjournment

There being no further business, the meeting was adjourned by motion of Mr. Crigler at approximately 2:00 pm.

Approved: November 19, 2010

/S/

Chairman, State Building Code Technical Review Board

/S/

Secretary, State Building Code Technical Review Board